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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,259

07/18/2006

Peter Edward Burton

06097

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23338 7590 07/24/2008
DENNISON, SCHULTZ & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA, VA 22314

EXAMINER

O HERN, BRENT T

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

07/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,259	Applicant(s) BURTON ET AL.	
	Examiner Brent T. O'Hern	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Preliminary Amendment

1. The preliminary amendment filed 6/1/2008 is non complaint as it does not set forth status identifiers for the claims.

Information Disclosure Statement

2. Applicant has not submitted an IDS even though the ISR has revealed X references. Applicant is reminded of their duties under 37 CFR 1.56 which include the duty to disclose to the Office all information known to that individual to be material to patentability.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 and 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaner et al. (US 4,361,612) with evidence by Vinden et al. (US 2003/0189039).

Shaner ('612) teaches an oriented strand board made of hard wood strands with a binder including a phenolic resin and wax with the length of the strands being up to 8 inches (203 mm), up to 2 inches (51 mm) wide and a thickness from 0.010 to 0.100 inches (0.254 to 2.54 mm) and a density of 40 to 50 lb/ft³ (641-801 kg/m³) (See *Abstract, col. 3, l. 56 to col. 4, l. 12 and col. 6, ll. 45-63.*), however fails to expressly disclose the hard wood being eucalypts or eucalypts selected from the species such as

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Bluegum (*E. Globulus*), Karri (*E. Diversicolor*), Sydney Bluegum (*E. Saligna*), Marri (*E. Calophylla*) or Jarrah (*E. Marginata*), at least 70% of the strands being fully aligned and having a modulus of elasticity of $\geq 14,000 \text{ N/mm}^2$.

However, eucalypts are well known hard woods (*See as evidence para. 9 of Vinden ('039).*) and it would have been obvious to a person having ordinary skill in the art at the time Applicant's invention was made to substitute eucalypt strands for other hard wood strands based on availability of supply for the purpose of providing a strong strand board.

Furthermore, Shaner ('612) teaches that the modulus of elasticity can be varied by changing the alignment and dimensions of the strands, composition of the board and processing conditions (*See col. 4, ll. 1-34.*) for the purpose of providing a strong effective board.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to use hardwood eucalypt strands instead of other hardwood strands and through routine optimization to vary the composition and processing conditions in order to provide a strong effective board.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaner et al. (US 4,361,612) with evidence by Vinden et al. (US 2003/0189039) in view of Liu et al. (US 2003/0064230).

Shaner ('612) teaches the product discussed above, however, fails to expressly disclose the binder comprising a polymeric methane di-isocyanate resin.

However, Liu ('230) teaches using binders such as methane di-isocyanate resin and wax to bind oriented hard wood strand boards (*See paras. 16-18 and 23.*) for the purpose of providing strong boards that are water resistant (*See paras. 18 and 23.*).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time Applicant's invention was made to use methane di-isocyanate resin and wax as taught by Liu ('230) to bind the hard wood strands together in order to provide a strong board that is water resistant.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent T. O'Hern whose telephone number is (571)272-0496. The examiner can normally be reached on Monday-Thursday, 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brent T O'Hern/
Examiner, Art Unit 1794
July 17, 2008

/Elizabeth M. Cole/
Primary Examiner, Art Unit 1794